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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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FISHER INVESTMENTS, INC., a California corporation,

Case No. C 07 2547 SC

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Plaintiff,

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v.

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MORGAN STANLEY DW, INC., a Delaware corporation, and DOES 1-10, inclusive,

[PROPOSED] ORDER GRANTING DEFENDANT MORGAN STANLEY & CO., INC.'S (F/K/A MORGAN STANLEY DW, INC.) MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(6)

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Defendants.

Date: May 9, 2008

Time: 10:00 a.m.

Dept.: 1

Judge: The Honorable Samuel Conti

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1 Defendant Morgan Stanley & Co., Inc.'s (F/K/A Morgan Stanley DW, Inc.) ("Morgan
2 Stanley") motion for an order dismissing plaintiff Fisher Investment, Inc.'s ("plaintiff") claims
3 for interference with business relations; violation of Business and Professions Code section 17200
4 (unfair competition); unjust enrichment; and conversion on May 9, 2008 at 10:00 a.m. Having
5 considered the arguments of counsel and the papers submitted, and good cause appearing
6 therefore:

7 1) Morgan Stanley's motion to dismiss plaintiff's Second Cause of Action for
8 Interference With Business Relations is GRANTED, without leave to amend.

9 2) Morgan Stanley's motion to dismiss plaintiff's Third Cause of Action for
10 Violation of Business and Professions Code Section 17200 (Unfair Competition) is GRANTED,
11 without leave to amend.

12 3) Morgan Stanley's motion to dismiss plaintiff's Fourth Cause of Action for Unjust
13 Enrichment is GRANTED, without leave to amend.

14 4) Morgan Stanley's motion to dismiss plaintiff's Fifth Cause of Action for
15 Conversion is GRANTED, without leave to amend.

16 IT IS SO ORDERED.

17 Dated: _____, 2008.

20 The Honorable Samuel Conti
21 United States District Court Judge